Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the rule entitled ''Waiver of Requirements for the Distribution of Prescription Drug Products that Contain List I Chemicals'' received on July 8, 1996; to the Committee on the Judiciary.

EC–3325. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a rule concerning visas, received on July 1, 1996; to the Committee on the Judiciary.

EC–3326. A communication from the Attorney for National Council of Radiation Protection and Measurements, transmitting, pursuant to law, the report of financial statements and schedules for calendar year 1995; to the Committee on the Judiciary.

EC–3327. A communication from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, transmitting, pursuant to law, a rule concerning a notice of opposition, (RIN0651–AA89) received on July 9, 1996; to the Committee on the Judiciary.

EC–3328. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the report of the Proceedings of the Judicial Conference of the United States; to the Committee on the Judiciary.

EC–3329. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the rule entitled ''Acquisition of Citizenship,'' (RIN1115–AD75) received on July 1, 1996; to the Committee on the Judiciary.

EC–3330. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the rule entitled ''Fees Assessed for Defaulted Payments,'' (RIN1115–AD92) received on July 1, 1996; to the Committee on the Judiciary.

EC–3331. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the rule entitled ''Effect of Parole of Cuban and Haitian Nationals on Resettlement Assistance Eligibility'' (RIN1115–AD92) received on July 8, 1996; to the Committee on the Judiciary.

EC–3332. A communication from the Assistant Secretary for Pension and Welfare Benefits, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Pension and Welfare Benefits Administration,'' (RIN1210–AA51) received on July 8, 1996; to the Committee on Labor and Human Resources.

EC–3333. A communication from Assistant Secretary of Labor for Mine Safety and Health Agency Contact, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Safety Standards for Explosives at Metal and Nonmetal Mines,'' (RIN1219–AA84) received on July 8, 1996; to the Committee on Labor and Human Resources.

EC–3334. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, a report relative to the final funding priority for the Rehabilitation Research and Training Center; to the Committee on Labor and Human Resources.

EC–3335. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, a report relative to the actuarial status of the railroad retirement system; to the Committee on Commerce, Science, and Transportation.

EC–3336. A communication from the Director of the Regulations Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices,'' received on June 28, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3337. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, a report entitled ''Office of Vocational and Adult Education School-to-Work Opportunities,''; to the Committee on Labor and Human Resources.

EC–3338. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, a report entitled ''Safe and Drug-Free Schools and Communities Federal Activities Grants Program,''; to the Committee on Labor and Human Resources.

EC–3340. A communication from the Assistant Attorney General, transmitting, pursuant to law, the report of the Asset Forfeiture Program for fiscal year 1994; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATFIELD, from the Committee on Appropriations:

Special Report entitled ''Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1997'' (Rept. No. 104–316).

By Mr. COCHRAN, from the Committee on Appropriations, with amendments:

H.R. 3603. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, and for other purposes (Rept. No. 104–317).

By Mr. BOND, from the Committee on Appropriations, with amendments:

H.R. 3666. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes (Rept. No. 104–318).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted on July 10, 1996:

By Mr. THURMOND, from the Committee on Armed Services:

Andrew S. Effron, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces for the term of fifteen years to expire on the date prescribed by law.

(The above nomination was reported with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRAHAM (for himself, Mr. REID, Mr. DEWINE, Mr. DORGAN, Mr. MACK, Mr. BRYAN, and Mr. CONRAD):

S. 1943. A bill to amend the Fair Labor Standards Act of 1938 to exempt inmates from the minimum wage and maximum hour requirements of such act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HATFIELD (for himself, Mr. GRASSLEY, and Mr. HARKIN):

S. 1944. A bill to establish a commission to be known as the Harold Hughes Commission on Alcoholism; to the Committee on Labor and Human Resources.

By Mr. DEWINE:

S. 1945. A bill to broaden the scope of certain firearms offenses; to the Committee on the Judiciary.

S. 1946. A bill to amend title 18, United States Code, to insert a general provision for criminal attempt; to the Committee on the Judiciary.

S. 1947. A bill to provide for a process to authorize the use of clone pagers, and for other purposes; to the Committee on the Judiciary.

By Mr. D'AMATO (for himself and Mr. KERRY):

S. 1948. A bill to amend section 2241 of title 18, United States Code, to provide for Federal jurisdiction over sexual predators; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself, Mr. LEAHY, Mr. BAUCUS, Mr. HARKIN, Mr. WELLSTONE, Mr. FEINGOLD, Mr. DORGAN, Mr. CONRAD, Mr. KERREY, Mr. EXON, Mr. BINGAMAN, and Mr. HEFLIN):

S. 1949. A bill to ensure the continued viability of livestock producers and the livestock industry in the United States; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM (for himself, Mr. REID, Mr. DEWINE, Mr. DORGAN, Mr. MACK, Mr. CONRAD, and Mr. BRYAN):

S. 1943. A bill to amend the Fair Labor Standards Act of 1938 to exempt inmates from the minimum wage and maximum hour requirements of such Act, and for other purposes; to the Committee on Labor and Human Resources.

THE FAIR LABOR STANDARDS ACT OF 1938 AMENDMENT ACT OF 1996

Mr. GRAHAM. Mr. President, with my colleague, Senator REID, we introduce today legislation which will clarify the Fair Labor Standards Act and the issue of minimum wage, as it applies to prisoners incarcerated in State and local institutions. I send the legislation to the desk.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. GRAHAM. Mr. President, the main points of this legislation are as follows. No. 1, it will exempt prison workers from the minimum wage provisions. No. 2, it will put an end to a cascade of lawsuits that our States have been faced with by prisoners demanding back wages. It enables the effective prison work and employment training programs that have been developed within many of our State corrections facilities to continue without the fear of these lawsuits.

Mr. President, I am pleased to be able to cosponsor this legislation with my colleague, Senator REID, who, during

the last Congress and previously, has brought this issue so effectively to our attention. This legislation has engendered bipartisan support and today we are joined by Senators MACK, DEWINE, BRYAN and DORGAN in our efforts to correct the application of minimum wage to State prisons.

This is an issue of national concern. Class action lawsuits by prisoners demanding backpay at minimum wage are entangling Federal courts in many sectors of the country. Florida alone has faced two such class action lawsuits in the last 24 months. In 1992, 18 States asked Congress for clarification of this issue. Today, 4 years later, we have yet to answer their call for help. It seems appropriate that we should address this issue in the very week that we have taken action to increase the minimum wage in the law.

Many prisoners participate in job training and work programs which provide numerous benefits. This legislation restricts its applicability in terms of prohibition from the application of the minimum wage to those prison industry programs which are providing goods or services to either a local, State, or Federal governmental agency. We are not including where there might be the production of products or the delivery of services that would be beneficial and therefore in competition with commercial, private-sector activities.

Not only are these activities beneficial in terms of providing services which range, in my State, from supplies such as furniture and printed materials, to the provision of services which are valuable to local, State, or Federal governments, but they also deal with one of the major issues that affects recidivism, the likelihood of a person upon release from prison returning to a life of crime. Consistently, one of the key factors in the likelihood of a prisoner either living a life of law and order and production or returning to their previous criminal behavior is whether they leave the prison prepared to hold a job.

These programs provide that kind of on-the-job training and experience that make prisoners, upon release, more likely to be employable, more likely to have the cultural skills, the understanding of what it means to go to work every day in order to get and hold a job.

I am very proud that in our State, the recidivism rate among those prisoners who have been through our prison industry program is one-fifth of the recidivism rate of the population as a whole. We want to protect these programs by eliminating the prospect that they might be subjected to the minimum wage.

What would happen if the minimum wage were to be made applicable to these prison work programs? Again, using the State of Florida as an example, it has been estimated that if the State were to lose the class action suit that is before it, it would cost millions of dollars in backpay and an additional $24 million every year to continue the programs as they are currently in place.

In a time of tight State budgets, there is very little likelihood that there would be this $24 million forthcoming, and, therefore, the prospect would be that this effective program that is serving so many important interests would be terminated.

So, Mr. President, this legislation is beneficial to the States and the communities that are the direct beneficiaries of the products and services produced by these prison industries. There is even a greater benefit in terms of reducing the likelihood of prisoners, upon release, returning to a life of crime and, therefore, being a predator upon society.

But it also gives us a chance, frankly, to eliminate a provision which makes us appear to be foolish to the American public. If you were to tell the average citizen in New Hampshire, did you know that there is an interpretation of the Federal minimum wage law that requires your State, if a prisoner is working while they are incarcerated, doing something productive, helping prepare themselves for their post-incarceration life, requiring the State to pay minimum wage to that person, in spite of the fact that the State is also providing them a place to live, to eat, their medical services, all of the requirements, and then to say they have to receive the minimum wage, which is now going to be raised over the next 2 years to $5.15 an hour, you would first encounter bemusement and then, I think, public anger at what they would see to be such a foolish idea.

So, Mr. President, I hope that, albeit 4 years late, we would respond to the request of the States to clarify that we do not intend to apply the minimum wage to those persons engaged in prison industries and allow the States to continue with this thoroughly rational and important part of their corrections program.

It is my honor to turn the remainder of the time to my colleague and cosponsor, Senator REID.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I appreciate very much the efforts of my colleague. When this matter was first introduced in August 1992, Senator GRAHAM was a steadfast supporter of this legislation. He indicated that I have been a good advocate of this legislation. I say, Mr. President, not good enough. It seems that we should have this in law. We have not been able to do that.

I think it is fair to say that we should put the committee of jurisdiction, or committees of jurisdiction, on notice that we are going to move forward with this legislation. It is important we do so, and if we do not get it done in the committees, then we are going to have to do it here on the floor. We have waited too long.

The legislation that I introduced in 1992 was in response to the decision of the Ninth Circuit Court of Appeals that all inmates working in correctional institutions and industries in those institutions are covered by the Fair Labor Standards Act. That was stunning to me. As my colleague from Florida has indicated, this decision is beyond the ability to comprehend.

The decision has been overturned, and the courts around this country are confused on this issue, and it calls for a clarification. In fact, it is a pending court case in Florida that has brought Senator GRAHAM and I to the floor this morning to reintroduce the prison wage bill. Clarification is needed, not only for the direction of the courts, but to dissuade prisoner lawsuits to recover minimum wage payments for work done while in prison.

If inmates were covered by the Fair Labor Standards Act, they would not only be eligible—listen to this—for minimum wage, but it would open the door for unemployment compensation for prisoners, it would open the door for worker's compensation for prisoners, it would open the door for paid vacations for prisoners, it would open the door for overtime pay for prisoners. I mean, is this ridiculous?

If the Federal Government or States are required to pay minimum wage, it would mean the end of most prison work programs. We simply would not be able to afford them. State governments are already staggering from budget deficits. Inmates would lose their job training, in most instances, lose their opportunity to produce something during their incarceration and lose the incentive to reform themselves and return to society. Prisoners would sit idle in their cells. Taxpayers already pay for room, board, even cable TV for prisoners. I do not believe they want to pay for minimum wage as well.

Mr. President, I, frankly, would like to go further. I do not think they should have cable television. I do not think they should have some of the things they have in prison that they do have, but I am going to let well enough alone and see if we can move forward on this very meaningful legislation.

We in Congress just spent months, as my colleague has indicated, fighting for an increase in the minimum wage. Were we fighting for a worker trying to raise a family on $8,500 a year—that is minimum wage—or were we fighting for a wage increase for prisoners? I know that I was fighting for the working family and not the prisoner who has not played by the rules of society and is supposed to be punished, in my estimation.

Some opponents of this bill have raised the question of low-wage inmate competition with the private sector. But this issue has already been adequately explained by my colleague. This issue has already been, I repeat, addressed by the Ashurst-Sumners Act, as well as the Prison Industry Enhancement Certification Program. This is only talk.

Further, in our bill, we provide specifically that our language does not affect programs certified pursuant to the Ashurst-Sumners Act.

Mr. President, I asked, sometime ago, the General Accounting Office to look into this matter, and they rendered a very fine report on prison labor. I quote from this report:

If the prison systems we visited were required to pay minimum wage to their inmate workers and did so without reducing the number of inmate hours worked, they would have to pay hundreds of millions of dollars more each year for inmate labor. Consequently, these prison systems generally regard minimum wage for prison work as unaffordable, even if substantial user fees (e.g.: charges for room and board) were imposed on the inmates.

They went on to say:

Prison systems officials consistently identified large-scale cutbacks in inmate labor as likely and, in their view, a dangerous consequence of having to pay minimum wage. They believed that less inmate work means more idle time and increased potential for violence and misconduct.

Therefore, paying minimum wage to prisoners would not only be expensive, but dangerous and counterproductive.

The Fair Labor Standards Act of 1938 was enacted as a progressive measure to ensure all able-bodied working men and women a fair day's pay for a fair day's work. It was never, never intended to cover criminals in our prisons.

By Mr. HATFIELD (for himself, Mr. GRASSLEY, and Mr. HARKIN):

S. 1944. A bill to establish a commission to be known as the Harold Hughes Commission on Alcoholism; to the Committee on Labor and Human Resources.

THE HAROLD HUGHES COMMISSION ON ALCOHOLISM ACT OF 1996

● Mr. HATFIELD. Mr. President, it is my honor today, along with my distinguished colleagues, Senators GRASSLEY and HARKIN, to introduce legislation that will fulfill a lifetime dream. The Honorable Harold Hughes, the ''man from Ida Grove,'' has made the struggle against alcoholism and its affects on individuals and their families his life work. Harold Hughes vision is to combat alcoholism, not only on a personal level, but on a community and national level as well. His dream will be fulfilled with the creation of a commission on all matters related to alcoholism and its affects on America.

The Talmud defines a good man as, ''one who needs no monuments because their deeds are shrines.'' The Honorable Harold Hughes deeds are indeed shrines. My distinguished friend has devoted his life to helping others. He has served as Governor of Iowa, U.S. Senator, and now as a leader in the fight against the abuse of alcohol and drugs. He is the founder and chairman of the Hughes Foundation as well as the Harold Hughes Centers for Alcoholism and Drug Treatment. He has become a front-line soldier in the war against alcohol abuse in the United States.

Alcohol use and abuse in the United States affects all of us. Although alcohol is a legal drug, its effects are devastating. Alcoholism tears apart marriages, families and communities. As a Nation, we cannot allow the devastating effects to continue.

Alcohol abuse and dependency affects 10 percent of Americans, 18.5 million, but we all pay the price for this addiction.

About 56 percent of American families are affected by alcoholism.

If alcohol were never carelessly used in our society, 105,000 fewer people would die each year.

Alcohol is a factor in one-half of all homicides, suicides, and motor vehicle fatalities.

Treatment, support, direct health care costs, as well as lost work time and premature death cost the public $98.6 billion in 1990.

The Harold Hughes Commission on Alcoholism will provide the President, Congress, and the American people with the tools that are necessary to address the effects of this disease. Unlike commissions of the past, which studied the affects of alcoholism on our society, the work of this Commission will be uniquely narrowly tailored. The focus will not be on the big picture of alcoholism in the United States, rather it will be on the limited, practical, and cost-effective solutions to our growing crisis with alcoholism. The Commission will examine better ways to coordinate existing Government programs, improve education on the affects of alcohol, improve alcoholism research, and increase public/private sector cooperation in combating this disease. This work will be carried out by small working groups that will include academics, business executives and alcoholism experts. These working groups will focus on single policy issues in order to produce recommendations that will lead to tangible solutions to alcoholism.

Currently, the National Institute on Alcohol Abuse and Alcoholism under the National Institutes of Health is the leading research and funding organization for issues dealing with alcohol abuse. NIAAA conducts 90 percent of all research in these areas. Current research in the area of alcoholism includes: Searching for the genome for genetic markers that are linked to alcoholism; developing and approving a new drug, Naltexone, for the treatment of alcoholism; educating mothers on the risks drinking poses during pregnancy; preventing alcoholism through educational programs developed for schools, the workplace, and the community. This research and programming will greatly reduce the overall cost of alcohol abuse to society.

The Harold Hughes Commission will be a vehicle for existing programs like NIAAA as well as other research programs and Government agencies to increase their effectiveness. The coordination of exsisting programs will increase the success rate of all the programs.

This legislation marks the beginning of a renewed congressional commitment to fighting alcoholism in America. It also pays tribute to a man who made a similar commitment in his own life for himself, his community, and others who are fighting the battle against alcoholism.●

By Mr. DEWINE:

S. 1945. A bill to broaden the scope of certain firearms offenses; to the Committee on the Judiciary.

GUN CRIMES LEGISLATION

● Mr. DEWINE. Mr. President, prosecutions of gun criminals are down 20 percent under the Clinton administration. At a time when 10 million Americans every year become victims of violent crime, the administration is not making the prosecution of armed criminals a major priority.

I think that's a mistake. I think we have to do more to get violent felons off the streets. And I am introducing a bill that will help make sure this happens.

Recently, the Supreme Court handled down a unanimous decision that essentially disarmed a very effective weapon that Federal prosecutors use to combat violence and drug abuse. The bill I am introducing will rearm Federal prosecutors—and it will do so in a way that it will not be open to reinterpretation by the courts. Congress must leave no doubt that when a criminal commits a violent crime or completes a drug deal, and a gun is around, the gun is a part of the offense, and the criminal will get 5 years added to his prison sentence.

Prior to December 6, 1995, Federal prosecutors used title 18, section 924(c)(1) to impose an additional mandatory 5 years in prison for those criminals who use or carry a firearm during or in relation to a violent crime or a drug trafficking crime.

The purpose of this statute was to send violent criminals and drug traffickers to jail—where they belong. And this provision was an effective law enforcement tool because the lower courts defined ''use'' very broadly. In fact, if the defendant simply had a gun nearby, it was sufficient to convict under section 924(c)(1)—because the courts ruled that the proximity of the gun served to ''embolden'' the defendant.

According to the U.S. Sentencing Commission, in 1994 alone, over 2,000 defendants were sentenced to longer terms under section 924(c)(1).

The Supreme Court's ruling last year ended the effectiveness of this statute as a crime-fighting tool. The court ruled that, in order to charge a defendant under section 924(c)(1), the Government must show that the defendant actively employed a firearm during or in relation to a violent or drug trafficking crime. Therefore, if a firearm merely served to embolden a criminal, the court said, it was not being ''used''

within the meaning of section 924(c)(1), and the criminal would not receive the additional 5 years in prison.

When Congress passed this statute, it was sending a clear message to drug dealers and violent criminals—Guns and drugs are a recipe for disaster. And, if you mix them, you are going to pay a price. I believe that this Congress should act to restore this crime fighting tool, and we should do it in a way that leaves nothing to the reckoning of the courts.

My legislation would do just that. It would amend section 924(c)(1) to cover all circumstances in which a drug dealer or violent criminal is caught with a firearm that is being used to further his drug trafficking or violent enterprise. Under this legislation, a drug dealer, for example, would be subject to a mandatory additional 5-year prison sentence for drug trafficking, if he ''uses or carries a firearm, or has a firearm in close proximity to illegal drugs or drug proceeds, or has a firearm in close proximity at the time of arrest or at the point of sale of illegal drugs.''

I believe that this legislation will do a great deal to help the law enforcement officials on the front lines of the war on drugs. It makes our law stronger—and helps get these felons off the streets, out of our communities, and into prison.●

By Mr. DEWINE:

S. 1946. A bill to amend title 18, United States Code, to insert a general provision for criminal attempt; to the Committee on the Judiciary.

CRIME LEGISLATION

● Mr. DEWINE. Mr. President, a few weeks ago, I spoke on the floor about the current administration's record on crime. The facts clearly demonstrate that the administration's actions do not fulfill its rhetoric on this issue.

I think it is time to give law enforcement officers the tools they need to do their jobs—protecting American families. Today, I am introducing legislation aimed at doing just that, in one significant way.

The bill I am introducing today would establish, for the first time in the Federal Criminal Code, a general attempt provision. Thankfully, criminals do not succeed every time they set out to commit a crime. We need to take advantage of these failed crimes to get criminals off the streets.

Mr. President, under current Federal law, there is no general attempt provision applicable to all Federal offenses. This has forced Congress to enact separate legislation to cover specific circumstances. This approach to the law has led to a patchwork of attempt statutes—leaving gaps in coverage, and failing to adequately define exactly what constitutes an attempt in all circumstances.

Since statutes include attempt language within the substantive offense, but don't bother to define exactly what an attempt is. Others define, as a separate crime, conduct which is only a step toward commission of a more serious offense. Moreover, there is no offense of attempt for still other serious crimes, such as disclosing classified information to an unauthorized person.

This ad hoc approach to attempt statutes is causing problems for law enforcement officials. At what point is it OK for law enforcement officials to step in to prevent the completion of a crime? If someone is seriously dedicated to committing a crime, law enforcement must be able to intervene and prevent it—without having to worry whether doing so would cause a criminal to walk. In the absence of a statutory definition of an attempt, the courts have been called upon to decide whether specific actions fit within existing statutory language.

When a criminal is attempting to commit a crime where attempt is not an offense, then law enforcement must wait until the crime is completed, or find some other charge to fit the criminal's actions. Law enforcement should never be placed in either of these positions.

The bill that I am introducing today will solve these problems in the current law. As I mentioned earlier, this legislation will add a general attempt provision to the U.S. Criminal Code. It provides congressional direction in defining what constitutes an attempt in all circumstances. And, it will serve to fill in the irrational gaps in attempt coverage.

In my view, it is time for the American people—acting through the Congress—to clarify their intention when it comes to this area of the law.

Millions of Americans work hard every day to make ends meet and raise their families and provide a better life for their children.

But, there are some people who choose a different approach to life—a life of crime. We as Americans need to leave no doubt where we stand on that choice. If you even try to commit a crime, we're going to prosecute you and convict you. This bill will make it easier for our law enforcement officers to protect our families and our communities.●

By Mr. DEWINE:

S. 1947. A bill to provide for a process to authorize the use of clone pagers, and for other purposes; to the Committee on the Judiciary.

THE CLONE PAGER AUTHORIZATION ACT OF 1996

● Mr. DEWINE. Mr. President, I recently made some remarks on the Senate floor about the current administration's record on crime. The facts are clear: The administration's actions on crime do not meet its rhetoric.

To stop crime, we have to do more. That doesn't mean another rhetorical assault on crime—or even a flashy 10-point program. Rather, we have to do more of the little things that—when you put them all together—make a big difference.

The most important of these is giving law enforcement officials the tools they need to do their jobs. Today, I am introducing legislation that will help us do that.

The bill I am introducing today would simply rectify an imbalance in current Federal law which makes it more difficult for law enforcement officials to fight drug trafficking. Today, drug traffickers have taken advantage of technological advances to advance their own criminal interests.

Drug traffickers—on a regular basis—use digital display paging devices—better known as beepers—in transacting their business. They do this because it gives them the freedom to run their criminal enterprise out of any available phone booth, and to avoid police surveillance. If law enforcement officials knew from whom they were receiving the calls to their beepers it would certainly aid efforts in tracking down drug traffickers.

The technology now exists to allow law enforcement to receive the digital display message, without intercepting the content of any conversation or message. It is called a clone pager. This clone pager is programmed identically to the suspect's pager and allows law enforcement to receive the digital displays at the same time as the suspect.

This device functions identically to a pen register. Mr. President, as you may know, a pen register is a device which law enforcement attaches to a phone line to decode the numbers which have called a specific telephone. Like a clone pager, the pen register only intercepts phone numbers, not the content of any conversation or message.

Since both devices serve the same purpose, a reasonable person would conclude that both the system for receiving authorization to use these devices, and the procedures mandated by the courts once the authorization was granted would be the same. However, in both cases it is not.

Under current law, the requirements for obtaining authorization to use a clone pager are much more stringent than they are for using a pen register. I would like to briefly outline the differences.

In order to obtain authorization to use a pen register, a Federal prosecutor must certify to a district court judge the phone number to which the pen register will be attached, the phone company that delivers service to that number, and that the pen register serves a legitimate law enforcement purpose. In other words, the prosecutor must show only that the use of the pen register is based on an ongoing investigation. The district court judge may then grant the authorization on a mere finding that the prosecutor has made the required certification. The pen register can then be used for a period of 60 days—with no requirement that law enforcement report pen register activity to the court.

In contrast, the U.S. attorney for a particular district must sign off on a request for clone pager authorization. Once this occurs, a prosecutor may

then go before a district court judge where he must show that there is probable cause to suspect an individual has committed a crime—a much higher standard than what is required for a pen register authorization. He must also detail what other investigative techniques have been used, why they have not been successful, and why they will continue to be unsuccessful. Moreover, the prosecutor must disclose other available investigative techniques and why they are unlikely to be successful. Only after all of this is done can authorization to use a clone pager be granted.

But these are not the only differences in treatment. After the authorization is granted, it can only be used for 30 days. During that 30 days, the prosecutor must report activity from the clone pager to the issuing judge at least once every 2 weeks.

I do not believe that the authorization disparity in authorization for these two devices is warranted.

The legislation that I am introducing today would simply amend the Federal code to end this disparity. This bill would give law enforcement agents ready access, with warranted limitations, to the tools they need to do their jobs. This bill will bring Federal law enforcement into the 21st century. The drug traffickers are already there. It's time for law and order to catch up with them.●

By Mr. D'AMATO (for himself and Mr. KERRY):

S. 1948. A bill to amend section 2241 of title 18, United States Code, to provide for Federal jurisdiction over sexual predators; to the Committee on the Judiciary.

CRIME LEGISLATION

● Mr. D'AMATO. Mr. President, I offer a bill, originally sponsored in the House by my colleague from New York, Representative SLAUGHTER. The bill will allow local district attorneys the option to federally prosecute repeat sexual offenders. Authorizing local district attorneys the opportunity to pursue Federal prosecution of habitual sexual offenders ensures that the toughest penalties will be imposed on these predators. They deserve nothing less.

It is horrendous that a rapist's average sentence is only 10½ years, with even less time being served. The sentence for child sex offenders is no better. Too often, these monsters are on the street ready to prey on their next victim.

In addition, repeat offenders convicted under this section of the bill will be sentenced to life for their second offense. Criminals repeatedly convicted of rape and serious sexual assaults must be taken off our streets and removed from our communities forever.

I urge my colleagues to review the merits of this bill, join as cosponsors and urge its immediate passage.●

By Mr. DASCHLE (for himself, Mr. LEAHY, Mr. BAUCUS, Mr. HARKIN, Mr. WELLSTONE, Mr. FEINGOLD, Mr. DORGAN, Mr. CONRAD, Mr. KERREY, Mr. EXON, Mr. BINGAMAN and Mr. HEFLIN):

S. 1949. A bill to ensure the continued viability of livestock producers and the livestock industry in the United States; to the Committee on Agriculture, Nutrition, and Forestry.

THE CATTLE INDUSTRY IMPROVEMENT ACT OF 1996

Mr. DASCHLE. Mr. President, today several colleagues and I are introducing the Cattle Industry Improvement Act of 1996. This legislation addresses the deep concern of cattle, hog, and sheep producers across the Nation that the livestock industry does not operate in a free and open market. Livestock producers, especially cattle producers, are receiving the lowest prices in recent memory. Producers can barely make ends meet, let alone make a profit. The Cattle Industry Improvement Act is a fair, substantive bill which offers commonsense solutions to problems that have plagued the livestock industry for a long time.

For the last 2 years the issue of livestock concentration has been the No. 1 agricultural issue in South Dakota, even exceeding interest in the farm bill. Livestock concentration and low cattle prices do not just affect farmers and ranchers in my State. The impact is felt by the entire economy of South Dakota, affecting people who live in cities, towns, and rural communities alike. A recession in the cattle industry has a ripple effect throughout the entire State the consequences of which are potentially devastating. Farm foreclosures, job layoffs by agriculture related businesses and bank failures are all likely if cattle prices do not rebound in the immediate future.

I began the effort to address the issue of livestock concentration last year with the introduction of legislation creating a livestock commission to review the impact of packer concentration. This bill was a bipartisan effort that passed the Senate but was blocked in the House.

Fortunately, Secretary Glickman rescued the effort by creating the USDA Advisory Committee on Agricultural Concentration. This advisory committee, which included livestock producers, has served a vital role in addressing concentration in agriculture. The advisory committee submitted its findings and recommendations to Secretary Glickman on June 6. Some of its recommendations can be implemented administratively and are currently under review by Department of Agriculture officials to determine their feasibility. Others require legislative action. The conclusion the committee reached is unequivocal: the status quo is unacceptable. Modern livestock production has changed, the USDA must keep pace, and Congress must give the Department of Agriculture the tools necessary to respond to these changes in a way that gives producers a chance to make an honest living and compete fairly in the marketplace.

The Cattle Industry Improvement Act of 1996 gives the Department those tools. The bill requires the Secretary to define and prohibit noncompetitive practices. It mandates price reporting for all sales transactions conducted by any entity who has greater than 5 percent of the national slaughter business, and requires timely reporting of quantity and price of all imports and exports of meat and meat by products. Livestock producers will be able to count on Federal protection against packers and buyers who retaliate against them for public comments made regarding industry practices. Federal agriculture credit policies will be reviewed to determine if they are adequate to address the cyclical nature of modern livestock production.

The bill also calls for the review of Federal lending practices to determine if the Government is contributing to packer concentration, and directs the President and the Secretaries of Agriculture and Health and Human Services to formulate a plan consolidating and streamlining the entire food inspection system.

Finally the bill requires the USDA to develop a system for labeling U.S. meat and meat products. Companies will be encouraged to voluntarily participate in labeling their products as originating from U.S. livestock producers.

Swift congressional action is crucial for our Nation's livestock producers. Free and open markets are one of the foundations of our Nation and our economy. We as consumers all suffer if markets, especially food markets, do not operate freely. The Cattle Industry Improvement Act is critical to ensuring a fair shake for hard-working livestock producers and the Nation's consumers

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1949

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Cattle Industry Improvement Act of 1996''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Expedited implementation of Fund for Rural America.
Sec. 3. Prohibition on noncompetitive practices.
Sec. 4. Domestic market reporting.
Sec. 5. Import and export reporting.
Sec. 6. Protection of livestock producers against retaliation by packers.
Sec. 7. Review of Federal agriculture credit policies.
Sec. 8. Streamlining and consolidating the United States food inspection system.
Sec. 9. Labeling system for meat and meat food products produced in the United States.

Sec. 10. Spot transactions involving bulk cheese.

SEC. 2. EXPEDITED IMPLEMENTATION OF FUND FOR RURAL AMERICA.

Section 793(b)(1) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2204f(b)(1)) is amended by striking ''January 1, 1997,'' and all that follows through ''October 1, 1999,'' and inserting ''November 10, 1996, October 1, 1997, and October 1, 1998,''.

SEC. 3. PROHIBITION ON NONCOMPETITIVE PRACTICES.

Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), is amended—

(1) in subsection (g), by striking the period at the end and inserting ''; or''; and

(2) by adding at the end the following:

''(h) Engage in any practice or device that the Secretary by regulation, after consultation with producers of cattle, lamb, and hogs, and other persons in the cattle, lamb, and hog industries, determines is a detrimental noncompetitive practice or device relating to the price or a term of sale for the procurement of livestock or the sale of meat or other byproduct of slaughter.''.

SEC. 4. DOMESTIC MARKET REPORTING.

(a) PERSONS IN SLAUGHTER BUSINESS.—Section 203(g) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(g)) is amended—

(1) by inserting ''(1)'' before ''To collect''; and

(2) by adding at the end the following:

''(2) Each person engaged in the business of slaughtering livestock who carries out more than 5 percent of the national slaughter for a given species shall report to the Secretary in such manner as the Secretary shall require, as soon as practicable but not later than 24 hours after a transaction takes place, such information relating to prices and the terms of sale for the procurement of livestock and the sale of meat food products and livestock products as the Secretary determines is necessary to carry out this subsection.

''(3) Whoever knowingly fails or refuses to provide to the Secretary information required to be reported by paragraph (2) shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both.

''(4) The Secretary shall encourage voluntary reporting by any person engaged in the business of slaughtering livestock who carries out 5 percent or less of the national slaughter for a given species.

''(5) The Secretary shall make information received under this subsection available to the public only in the aggregate and shall ensure the confidentiality of persons providing the information.''.

(b) ELIMINATION OF OUTMODED REPORTS.—The Secretary of Agriculture, after consultation with producers and other affected parties, shall periodically—

(1) eliminate obsolete reports; and

(2) streamline the collection and reporting of data related to livestock and meat and livestock products, using modern data communications technology, to provide information to the public on as close to a real-time basis as practicable.

(c) DEFINITION OF ''CAPTIVE SUPPLY''.—For the purpose of regulations issued by the Secretary of Agriculture relating to reporting under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) and the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.), the term ''captive supply'' means livestock obligated to a packer in any form of transaction in which more than 7 days elapses from the date of obligation to the date of delivery of the livestock.

SEC. 5. IMPORT AND EXPORT REPORTING.

(a) EXPORTS.—Section 602(a)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5712(a)(1)) is amended by inserting after ''products thereof,'' the following: ''and meat food products and livestock products (as the terms are defined in section 2 of the Packers and Stockyards Act, 1921 (7 U.S.C. 182)),''.

(b) IMPORTS.—

(1) IN GENERAL.—The Secretary of Agriculture and the Secretary of Commerce shall, using modern data communications technology to provide the information to the public on as close to a real-time basis as practicable, jointly make available to the public aggregate price and quantity information on imported meat food products, livestock products, and livestock (as the terms are defined in section 2 of the Packers and Stockyards Act, 1921 (7 U.S.C. 182)).

(2) FIRST REPORT.—The Secretaries shall release to the public the first report under paragraph (1) not later than 60 days after the date of enactment of this Act.

SEC. 6. PROTECTION OF LIVESTOCK PRODUCERS AGAINST RETALIATION BY PACKERS.

(a) RETALIATION PROHIBITED.—Section 202(b) of the Packers and Stockyards Act, 1921 (7 U.S.C. 192(b)), is amended—

(1) by striking ''or subject'' and inserting ''subject''; and

(2) by inserting before the semicolon at the end the following: '', or retaliate against any livestock producer on account of any statement made by the producer (whether made to the Secretary or a law enforcement agency or in a public forum) regarding an action of any packer''.

(b) SPECIAL REQUIREMENTS REGARDING ALLEGATIONS OF RETALIATION.—Section 203 of the Packers and Stockyards Act, 1921 (7 U.S.C. 193), is amended by adding at the end the following:

''(e) SPECIAL PROCEDURES REGARDING ALLEGATIONS OF RETALIATION.—

''(1) CONSIDERATION BY SPECIAL PANEL.—The President shall appoint a special panel consisting of 3 members to receive and initially consider a complaint submitted by any person that alleges prohibited packer retaliation under section 202(b) directed against a livestock producer.

''(2) COMPLAINT; HEARING.—If the panel has reason to believe from the complaint or resulting investigation that a packer has violated or is violating the retaliation prohibition under section 202(b), the panel shall notify the Secretary who shall cause a complaint to be issued against the packer, and a hearing conducted, under subsection (a).

''(3) EVIDENTIARY STANDARD.—In the case of a complaint regarding retaliation prohibited under section 202(b), the Secretary shall find that the packer involved has violated or is violating section 202(b) if the finding is supported by a preponderance of the evidence.''.

(c) DAMAGES FOR PRODUCERS SUFFERING RETALIATION.—Section 203 of the Packers and Stockyards Act, 1921 (7 U.S.C. 193) (as amended by subsection (b)), is amended by adding at the end the following:

''(f) DAMAGES FOR PRODUCERS SUFFERING RETALIATION.—

''(1) IN GENERAL.—If a packer violates the retaliation prohibition under section 202(b), the packer shall be liable to the livestock producer injured by the retaliation for not more than 3 times the amount of damages sustained as a result of the violation.

''(2) ENFORCEMENT.—The liability may be enforced either by complaint to the Secretary, as provided in subsection (e), or by suit in any court of competent jurisdiction.

''(3) OTHER REMEDIES.—This subsection shall not abridge or alter a remedy existing at common law or by statute. The remedy provided by this subsection shall be in addition to any other remedy.''.

SEC. 7. REVIEW OF FEDERAL AGRICULTURE CREDIT POLICIES.

The Secretary of Agriculture, in consultation with the Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, and the Chairman of the Board of the Farm Credit Administration, shall establish an interagency working group to study—

(1) the extent to which Federal lending practices and policies have contributed, or are contributing, to market concentration in the livestock and dairy sectors of the national economy; and

(2) whether Federal policies regarding the financial system of the United States adequately take account of the weather and price volatility risks inherent in livestock and dairy enterprises.

SEC. 8. STREAMLINING AND CONSOLIDATING THE UNITED STATES FOOD INSPECTION SYSTEM.

(a) PREPARATION.—In consultation with the Secretary of Agriculture, the Secretary of Health and Human Services, and all other interested parties, the President shall prepare a plan to consolidate the United States food inspection system that ensures the best use of available resources to improve the consistency, coordination, and effectiveness of the United States food inspection system, taking into account food safety risks.

(b) SUBMISSION.—Not later than 1 year after the date of enactment of this Act, the President shall submit to Congress the plan prepared under subsection (a).

SEC. 9. LABELING SYSTEM FOR MEAT AND MEAT FOOD PRODUCTS PRODUCED IN THE UNITED STATES.

(a) LABELING.—Section 7 of the Federal Meat Inspection Act (21 U.S.C. 607) is amended by adding at the end the following:

''(g) LABELING OF MEAT OF UNITED STATES ORIGIN.—

''(1) IN GENERAL.—The Secretary shall develop a system for the labeling of carcasses, parts of carcasses, and meat produced in the United States from livestock raised in the United States, and meat food products produced in the United States from the carcasses, parts of carcasses, and meat, to indicate the United States origin of the carcasses, parts of carcasses, meat, and meat food products.

''(2) ASSISTANCE.—The Secretary shall provide technical and financial assistance to establishments subject to inspection under this title to implement the labeling system.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.''.

SEC. 10. SPOT TRANSACTIONS INVOLVING BULK CHEESE.

(a) IN GENERAL.—The Secretary of Agriculture shall collect and publicize, on a weekly basis, statistically reliable information, obtained from all cheese manufacturing areas in the United States, on prices and terms of trade for spot transactions involving bulk cheese, including information on the national average price, and regional average prices, for bulk cheese sold through spot transactions.

(b) CONFIDENTIALITY.—All information provided to, or acquired by, the Secretary under this section shall be kept confidential by each officer and employee of the Department of Agriculture, except that general weekly statements may be issued that are based on the reports of a number of spot transactions and that do not identify the information provided by any person.

(c) FUNDING.—The Secretary may use funds that are available for dairy market data collection to carry out this section.

Mr. FEINGOLD. Mr. President, I am pleased to be an original cosponsor of the Cattle Industry Improvement Act, which addresses an issue that is critical to our livestock and dairy industries—the concentration of economic

power. I want to applaud the Minority Leader [Senator DASCHLE] for his extraordinary leadership on this issue. Last year he led the effort to establish a commission to investigate concentration in meat packing and processing, introducing legislation that passed in the Senate. That legislation ultimately led to the report Concentration in Agriculture—A Report of the USDA Advisory Committee on Agricultural Concentration—issued this June, which confirmed the extensive concentration occurring through the entire livestock marketing chain. The report warned that concentration in processing and manufacturing is likely to harm farmers more than anyone else in the marketing chain given their already low market power in the face of a few large corporate buyers. That report made a number of recommendations to Congress, the administration and the livestock industry for steps that could be taken to address these problems. The legislation Senator DASCHLE is introducing today takes action on a number of those recommendations.

The trend towards concentration in the livestock industry is particularly disturbing in light of the current record low prices in cattle markets and record high prices for feed—the most important and costly input to livestock production. In Wisconsin, low cattle prices have hit our dairy farmers hard as they obtain a substantial portion of their income from the sale of cull cows and veal calves. When beef prices are low, Wisconsin's 27,000 dairy farmers are equally hard hit.

According to the USDA report, while prices are distressingly low for producers, returns for meat packers are still quite high. As some of my colleagues have pointed out, with four firms slaughtering 80 percent of the cattle in this country, it is no wonder that producers in Wisconsin and elsewhere are concerned about the disparate economic health of livestock producers and livestock packing and processing industry. While it isn't clear that concentration has caused the low prices, the USDA report confirmed that given the circumstances in the livestock industry, market manipulation for large packers and processors is certainly possible.

The Cattle Industry Improvement Act includes provisions designed to improve market information in the cattle industry which suffers from inadequate market information. Less than 2 percent of fed cattle are sold through an open ''price discovery'' process, providing producers with very little information about what other cattle producers are receiving for their cattle and what buyers are paying for cattle. The market information provisions of this bill will allow producers to deal with their buyers on a more level playing field.

In addition, this bill provides additional flexibility and authority for the Secretary of Agriculture to aggressively target noncompetitive activities in livestock markets under the Packers and Stockyards Act. Another extremely important provision in this bill is the mandated review of Federal agriculture credit policies to determine whether or not our lending practices are facilitating the growth of larger livestock and dairy operations. Many dairy farmers have complained to me that they have a difficult time getting credit for both operating purposes and for capital investments because lenders insist that farmers greatly expanding their herd size in order to be credit worthy. Many small farmers simply cannot get credit for minor herd expansion. That is neither fair to our family sized farmers nor is it sound policy. Such practices create self-fulfilling prophecies—forcing small farms to grow significantly larger or to exit the industry. I am looking forward to reviewing the results of the study required by this legislation.

Finally, Mr. President, I want to thank Senator DASCHLE for his cooperation in including a provision in this bill which I proposed to address concentration concerns and market information inadequacies in dairy markets. The cheese industry operates in a market that suffers from a lack of pricing information that is even more extreme than in the cattle industry. While less than 2 percent of the cattle in the United States are sold on markets with open and competitive bidding, less than one-half of one percent of the cheese in the United States is sold on an open cash market—the National Cheese Exchange in Green Bay, WI.

Even so, the price opinion of the National Cheese Exchange directly and decisively affects the price that farmers throughout the nation receive for their milk. Milk prices are tied directly to that price through the Basic Formula Price, calculated by USDA. The BFP determines the class III price for milk under the Federal milk marketing order system. Even if that linkage did not exist, however, milk prices would still be dramatically affected by the exchange opinion because it is used as the benchmark in virtually all forward contracts for bulk cheese. Ninety to ninety-five percent of bulk cheese in the United States is sold through forward contracts. In other words, virtually all cheese sold in the country is priced based on the opinion price at the cheese exchange. Additionally, concentration in cheese processing is high and increasing. The top four manufacturers and marketers of processed cheese market 69 percent of the tonnage of processed cheese nationally. Most if not all of those manufacturers are traders on the exchange.

The National Cheese exchange has been the subject of great controversy among dairy farmers because the small amount of trading on the exchange has such a substantial impact on farmers. A recently released report by the University of Wisconsin-Madison and the Wisconsin Department of Agriculture, Trade and Consumer Protection concluded that characteristics of the Green Bay cheese exchange make it vulnerable to price manipulation by the most powerful member-firms of the exchange. While such behavior may or may not violate antitrust laws, it is certainly not good policy to rely solely on this type of thin cash market to determine milk prices or cheese prices for the Nation.

Like cattle producers, dairy farmers suspect that the price they receive for their product may be controlled by a few large processors that trade on the National Cheese Exchange. A one cent change in the opinion price at the exchange translates into a 10 cent change in the price of milk to farmers. When prices on the exchange drop suddenly and precipitously, dairy farmers nationally lose millions of dollars in producer receipts and begin to wonder whether the price decline was truly reflective of market conditions. Others suspect that in times of rising milk prices, such as today, traders on the exchange are able to prevent prices from rising as high as they might given the market conditions.

Unfortunately, no alternative to the National Cheese Exchange exist for cheese price discovery. It is the only cash market in the country for bulk cheese. While there is a futures market for cheese and other dairy products, trading of futures contracts have been weak making the futures prices unreliable benchmarks. Furthermore, there is little or no market information on prices for spot transactions of cheese collected by the Department of Agriculture. What little information that is collected is not considered extensive enough to be reliable.

Section 4 of the Cattle Industry Improvement Act includes a provision requiring the Secretary of Agriculture to collect and report weekly statistically reliable prices and terms of trade for spot transactions of bulk cheese from all cheese manufacturing areas of the country. The intent of this provision is straight forward—to increase the amount of market information on cheese prices that is available to producers and processors.

This provision is not the end solution to the policy challenges imposed by the National Cheese Exchange. Those solutions will be considered by the Department of Agriculture through their Federal milk marketing order reform process and by the regulators of the exchange. This provision is a first step towards solving a complicated and multi-faceted problem. This market data collection effort may only collect 5–10 percent of bulk cheese transactions nationally. However, even if the data captures only 5 percent of the transactions, it will still represent a 10-fold increase in the amount of market information available to producers and processors today.

As the USDA advisory report concluded ''It is of the utmost importance that information about market conditions and trends be widely available to sellers and buyers at all levels of the

industry. . . It is widely agreed that equal and accurate market information improves the price discovery and determination process.'' While that report was referring to cattle, not cheese, the principle that more market information is always better holds true for cheese as well.

USDA collection of prices for spot transaction of bulk cheese was recommended by the joint UW-Madison/Wisconsin Department of Agriculture report as a possible solution to the thin market problem at the Cheese Exchange. During a recent House Livestock, Dairy and Poultry Subcommittee hearing on the National Cheese Exchange, the Department of Agriculture also suggested an approach similar to that described in Section 4 of this legislation as a way to improve cheese market information. Other witnesses, such as the National Farmers Union and Kraft General Foods, also suggested increased reporting of spot transactions of cheese as a method of improving price discovery in cheese markets.

Mr. President, this is a very modest data collection effort. This is a first step towards improving market information in the dairy industry and lessening the influence of the exchange. It will not and is not intended to replace the National Cheese Exchange. The data collection required in the bill will merely supplement existing market information and hopefully, improve price discovery.

There is much more work to be done at both the State and Federal level to address the challenges posed by the National Cheese Exchange. But I think this is a logical first step forward.

Once again, I thank the minority leader for his recognition of the importance of the cheese price reporting provision in addressing concentration and market information concerns in the dairy industry and for his cooperation in including this provision in his important legislation.

ADDITIONAL COSPONSORS

S. 287

At the request of Mrs. HUTCHISON, the name of the Senator from Kansas [Mrs. FRAHM] was added as a cosponsor of S. 287, a bill to amend the Internal Revenue Code of 1986 to allow homemakers to get a full IRA deduction.

S. 607

At the request of Mr. WARNER, the names of the Senator from California [Mrs. FEINSTEIN] and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 607, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify the liability of certain recycling transactions, and for other purposes.

S. 684

At the request of Mr. HATFIELD, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 791

At the request of Mr. COCHRAN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 791, a bill to provide that certain civil defense employees and employees of the Federal Emergency Management Agency may be eligible for certain public safety officers death benefits, and for other purposes.

S. 1701

At the request of Mr. PELL, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 1701, a bill to end the use of steel jaw leghold traps on animals in the United States, and for other purposes.

S. 1740

At the request of Mr. NICKLES, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1740, a bill to define and protect the institution of marriage.

S. 1794

At the request of Mr. GREGG, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 1794, a bill to amend chapter 83 of title 5, United States Code, to provide for the forfeiture of retirement benefits in the case of any Member of Congress, congressional employee, or Federal justice or judge who is convicted of an offense relating to official duties of that individual, and for the forfeiture of the retirement allowance of the President for such a conviction.

S. 1830

At the request of Mr. BROWN, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 1830, a bill to amend the NATO Participation Act of 1994 to expedite the transition to full membership in the North Atlantic Treaty Organization of emerging democracies in Central and Eastern Europe.

S. 1838

At the request of Mr. FAIRCLOTH, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1838, a bill to require the Secretary of the Treasury to mint and issue coins in commemoration of the centennial anniversary of the first manned flight of Orville and Wilbur Wright in Kitty Hawk, North Carolina, on December 17, 1903.

S. 1939

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 1939, a bill to improve reporting in the livestock industry and to ensure the competitiveness of livestock producers, and for other purposes.

AMENDMENTS SUBMITTED

THE DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1997

STEVENS AMENDMENT NO. 4439

Mr. STEVENS proposed an amendment to the bill (S. 1894) making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes; as follows:

On page 8, line 1, strike the number ''$17,700,859,000'' and insert in lieu thereof ''$17,696,659,000''.

On page 9, line 11, strike the number ''$9,953,142,000'' and insert in lieu thereof ''$9,887,142,000''.

On page 12, line 22, strike the number ''$1,069,957,000'' and insert in lieu thereof ''$1,140,157,000''.

MCCAIN AMENDMENTS NOS. 4440–4444

(Ordered to lie on the table.)

Mr. MCCAIN submitted five amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4440

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) The Secretary of Defense and the Secretary of State shall jointly conduct an audit of security measures at all United States military installations outside the United States to determine the adequacy of such measures to prevent or limit the effects of terrorist attacks on United States military personnel.

(b) Not later than March 31, 1997, the Secretary of Defense and the Secretary of State shall jointly submit to Congress a report on the results of the audit conducted under subsection (a), including a description of the adequacy of—

(1) physical and operational security measures;

(2) access and perimeter control;

(3) communications security;

(4) crisis planning in the event of a terrorist attack, including evacuation and medical planning;

(5) special security considerations at nonpermanent facilities;

(6) potential solutions to inadequate security, where identified; and

(7) cooperative security measures with host nations.

AMENDMENT NO. 4441

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. Section 221 of title 10, United States Code, is amended by adding at the end the following:

''(d) The President shall submit to Congress each year, at the same time the President submits to Congress the budget for that year under section 1105(a) of title 31, the future-years defense program (including associated annexes) that the Chief of the National Guard Bureau and the chiefs of the reserve components submitted to the Secretary of Defense in that year in order to assist the Secretary in preparing the future-years defense program in that year under subsection (a).''.

Effective Date: This section shall take effect beginning with the President's budget submission for fiscal year 1999.

AMENDMENT NO. 4442

On page 88, between lines 7 and 8, insert the following: